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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
) CC Docket No. 92-115
Revision of Part 22 of the Commission's)
Rules Governing the Public Mobile Services)

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JUL 5 1994

To: The Commission

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

**REPLY COMMENTS OF
PAGING PARTNERS CORPORATION**

Paging Partners Corporation ("Paging Partners") hereby submits its Reply Comments in connection with the Further Notice of Proposed Rulemaking ("Further Notice" or "FNPRM") in the above captioned proceeding.

Many of the commentors expressed similar concerns to those of Paging Partners in connection with the amendment of pending applications; the application of proposed procedures to Pre-July 26, 1993 applications; and mileage restrictions on applications filed for additional locations on existing frequencies. Paging Partners asserted, as did most commentors, that the Commission's proposed plan would result in even more disruptions than the present procedures. Paging Partners agrees with the Personal Communications Industry Association ("PCIA") who pointed out on page 5 of its comments that "the plan proposed in the Further Notice simply is untenable and will greatly disserve the public interest."

Further, Paging Partners is in agreement with PCIA regarding a proposed second public notice of already filed frequency specific applications. This second public notice basically submits the applicant to "double jeopardy" by making them subject to a second set of petitions to deny. Paging Partners also agrees that the Commission's plan would cause speculative applications.

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As stated in its Comments, Paging Partners has serious concerns regarding the proposed 1.6 mile restriction in connection with applications for additional locations. Paging Partners agrees with several commentors, including PCIA, Paging Network, Inc. and AirTouch Paging, who suggest that licensing on a market area basis would alleviate future 931 MHz licensing build-out problems. This concept is important for wide-area paging service and is one that the Commission should consider since it would allow flexibility to both the Commission and the carrier and ultimately provide the public with more responsive service. This approach would partially respond to Paging Partners' serious concerns regarding the 1.6 miles restrictions on an existing operator's ability to file applications for additional locations

Paging Partners submits that the plan to consolidate all pending and litigated applications and licenses together in one group for competitive bid or lottery is not tenable and questionable legally. The Commission must face the hard task of reviewing and resolving the existing controversies by using the FCC Rules and policy which existed at the time. Resolution of these issues must be made prior to the implementation of any revised 931 MHz licensing procedures.

Alpha Express, Inc. ("Alpha") and Tri-State Paging Co. ("Tri-State") discussed this issue in their Comments in the context of the outstanding New York lottery proceeding¹. Although Alpha and Tri-State try to enlist sympathy relative to their positions in connection with the New York Lottery, both were on notice that the basis for the "settlement" had been challenged from the time Paging Partners filed its Petition for Reconsideration in 1992. Paging Partners has presented allegations in connection with the propriety of the behind the scenes deal with other New York lottery participants who sought to circumvent the FCC Rules and Regulations and which deprived Paging Partners of a 931 MHz frequency.

¹Public Mobile Services Lottery No. PMS-31, 5 FCC Rcd. 7430 (Com. Car. Bur. 1990), app. for review, petition for recon. pending.

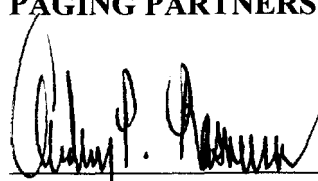
Alpha states that loss of its license would displace customers on its two transmitter operation, which would cause an upheaval!² Tri-State has similar pleas to the Commission regarding its paging channel, reaped from the New York lottery "settlement." This "settlement" made all lottery entrants winners despite the fact that the number of applicants exceeded the number of frequencies which were available. Paging Partners asserts that efforts to draw sympathy from loss of ill gotten gains should be ignored. The Commission must address and resolve these issues on the basis of rules and policies available at the time of the controversy even if such resolution results in dislocations for Alpha and Tri-State. Indeed, the public interest would be served by producing consistency and openness with the FCC's dealings with the public.

Paging Partners commends the Commission's acknowledgment of the 931 MHz problems; however, it submits that the Commission should not apply its proposed processing rules retroactively. Existing proceedings must be resolved on the basis of extant rules and policies before moving forward with any new procedures.

Respectfully submitted,

PAGING PARTNERS CORPORATION

By:



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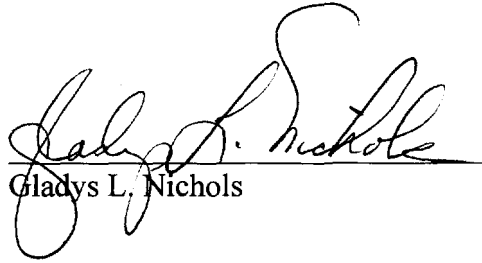
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Dated: July 5, 1994

²These facilities are all that remains of the paging system which was sold by Alpha's owner in January, 1994.

CERTIFICATE OF SERVICE

I, Gladys L. Nichols, do hereby certify that on this 5th day of July, 1994, the foregoing **REPLY COMMENTS OF PAGING PARTNERS CORPORATION** was served to the parties on the attached Service List.


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